

Message

From: Lang, Annette (ENRD) [Annette.Lang@usdoj.gov]
Sent: 3/11/2016 8:57:19 PM
To: Carla Morgan (cmorgan@eastchicago.com) [cmorgan@eastchicago.com]
CC: Kaiser, Steven [kaiser.steven@epa.gov]; Berkoff, Michael [berkoff.michael@epa.gov]
Subject: USS Lead Site: Meeting with East Chicago
Attachments: ENV_ENFORCEMENT-#2563400-v1-uss_lead___diagram_of_Z1_properties_needing_ICs.PDF; ENV_ENFORCEMENT-#2561920-v1-uss_lead___Zone_1_Map_overview.PDF

Ms. Morgan –

I would like to introduce myself. I am the Department of Justice attorney representing EPA on matters related to the USS Lead Site in East Chicago, Indiana. I have been involved in this matter since July of 2013 and will be working on it for the foreseeable future.

While you may or may not be aware of this, on January 13, 2016, EPA's Remedial Project Manager for the USS Lead Site and EPA's attorney for the Site — Michael Berkoff and Steve Kaiser, respectively — met with representatives of the East Chicago Housing Authority and the City of East Chicago to discuss, *inter alia*, matters related to the lead sampling results within the yards of the residences of the ECHA. Tia Cauley and Milton Reed, among others, were present.

Among other items, Michael and Steve indicated that the levels and depths of lead contamination within the ECHA property were higher and deeper than expected. Pursuant to EPA's November 2012 Record of Decision, institutional controls (e.g., sometimes called proprietary controls or restrictive covenants) where contamination will remain after the clean-up will be necessary. Michael and Steve showed meeting participants a map with orange shading indicating all of the yards with the ECHA at which contamination greater than 400 ppm and deeper than 24 inches will remain ; the two parcels of real estate in which these yards are located will require the recording of institutional controls. See attached (orange-shaded map and an aerial map of ECHA).

Since the January 13, 2016 meeting, EPA and I have been discussing issues related to ECHA institutional controls and also thinking about issues related to the lead contamination that exists under the paved surfaces and houses within ECHA. (We understand that the houses are on concrete slabs and do not have basements.) The contamination under these relatively impermeable barriers is not addressed by EPA in the November 2012 ROD and lies outside its scope because the currently existing concrete surfaces are barriers to exposure. However, intrusion into the ECHA areas currently covered by existing barriers would be of concern in light of the likely elevated levels of lead under them (if one generalizes from the sampling results in the yard areas surrounding them.) Activities such as road or sidewalk work as well as future improvements within the property managed by the ECHA might necessitate intrusions into these areas.

Last week, Michael sent an email to Ms. Cauley and Mr. Reed requesting a meeting during the last week in March. Because of restrictions in both Michael's schedule and my own, the last week in March presents the only time before the last week in April that a meeting between the City, ECHA, EPA and DOJ can take place. We would like to hold this meeting sooner rather than later.

To my knowledge, Michael has not received a reply to his meeting request. While we recognize that representatives of East Chicago have busy schedules, I would like to request East Chicago representatives to see if they can make some time available during the week of March 28 for a meeting. We would be happy to travel to East Chicago for the meeting. Obviously, if that is not feasible, then it is not feasible. But, if it is, we would appreciate it.

If I could also request a response to this email as soon as possible, that would be appreciated. Currently, Michael, Steve, and I all are holding each day that week free so that we can agree to whatever day is best for East Chicago. But, we too have multiple activities ongoing and these often require scheduling meetings and events weeks in advance. Therefore, indefinitely holding an entire week open is difficult.

Thanks so much for your prompt attention to this matter. I have set forth my complete contact information below. Please do not hesitate to call me for any reason.

Annette Lang

Annette M. Lang
Senior Counsel
Environment and Natural Resources Division
Department of Justice
Regular Mail: P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611
Express Mail: 601 D St., NW, Room 8606, Washington, DC 20004
Email: annette.lang@usdoj.gov
Phone: 202 514-4213
Fax: 202 616-6584 (call before faxing)

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